

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-15-90044

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed on April 28, 2016, by an individual against a now-retired United States bankruptcy judge<sup>2</sup> who presided over the bankruptcy of a company that engaged in a Ponzi scheme. According to the complainant, he is one of the victims of the Ponzi scheme and is entitled to restitution from the bankruptcy estate.

The complainant alleges the bankruptcy judge is himself somehow involved in a Ponzi scheme. The complainant asserts that 164 other individuals, including numerous elected officials, are also involved. In the complainant's view, the bankruptcy judge and the others have engaged in a "***conspiracy to commit bankruptcy fraud, bankruptcy fraud, and felony theft by swindle.***" According to the complainant, if the bankruptcy judge and the other alleged conspirators "*don't go to jail for this, they will 'walk away' with \$49.828 billion of the \$50+ billion (99.7% of the . . . estate) they stole leaving a pittance . . . to the investors.*" The complainant states he has reported his complaints to the United States Attorney General, the Assistant Attorney General for the Department of Justice's Criminal Division, and the Executive Office for U.S. Trustees' Office of Criminal Enforcement.

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<sup>1</sup>Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

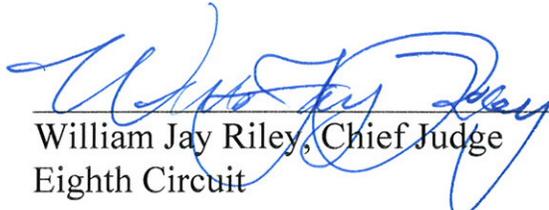
<sup>2</sup>The bankruptcy judge is retired as of May 31, 2016.

The complainant asserts “there has been a flurry of activity by [the bankruptcy judge] and his trustees . . . who on a regular and consistent basis has [sic] been denying (or attempting to deny) relief sought by me and numerous other victim/victim-creditors [sic].” The complainant also reports he has been “threatened twice over this matter by the [state] courts sending henchmen to [the complainant’s] home (the last visit at gunpoint) in the hopes that [the complainant] would cease asking to have [the complainant’s] money returned.” The complainant also filed three supplements to his original complaint reiterating the same allegations.

The complainant’s challenge to the bankruptcy judge’s rulings in the bankruptcy proceeding are outside the scope of the judicial complaint procedure and must be dismissed because they are “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). The complainant’s perplexing, unsupported complaints that the bankruptcy judge is involved in a Ponzi scheme or is taking money intended for the estate’s creditors must be dismissed because they “lack[] sufficient evidence to raise an inference that misconduct has occurred” and are “frivolous.” 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rule 11(c)(1)(C), (D). To the extent the complainant raises complaints against the state courts or individuals who are not United States judges, these complaints must be dismissed because the judicial complaint procedure is limited to United States judges. See 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

June 21, 2016

  
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William Jay Riley, Chief Judge  
Eighth Circuit